REMARKS

Status Summary

Claims 1-37 are pending in the present application and presently stand rejected. No claims are added, and no claims are cancelled. Therefore, claims 1-37 remain pending.

Request for Telephone Examiner Interview

Applicants respectfully request a Telephone Examiner Interview when the Examiner begins consideration of this response. The Examiner is requested to call Applicants representative, Gregory A. Hunt, at 919-493-8000 to schedule the Telephone Examiner Interview.

Claim Rejection - 35 U.S.C. § 103

Claims 1-21 and 23-37 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,940,487 to Bunch et al., hereinafter referred to as "Bunch", in view of U.S. Patent No. 6,118,936 to Lauer et al., hereinafter referred to as "Lauer". Claim 22 stands rejected under 35 U.S.C. § 103(c) as being obvious over Bunch in view of Lauer and further in view of U.S. Patent No. 6,625,266 to Saari et al., hereinafter referred to as "Saari". These rejections are respectfully traversed as described below.

Applicants disclose methods and systems for dynamic, rules-based peg counting. According to one method, a user creates peg counter definitions using a rules-based language accessible via a graphical user interface. The peg counter definitions are downloaded from an administration server to network monitoring site collectors. The site collectors automatically detect the new peg counter definitions and begin using the new peg counter definitions without ceasing existing peg counting, i.e.,

"on-the-fly". Peg counter software on the site collectors periodically sends peg counter instances to a data gateway server. The data gateway server aggregates the peg counter instances generated by the various site collectors into system wide peg counter instances.

For example, independent claims 1 and 17 recite a method and a system for dynamic rules-based peg counting. According to either claim, a plurality of site collectors receive signaling messages and generate peg counter instances based on the signaling messages matching existing peg counter definitions. The peg counter instances each include an accumulator value indicating a number of signaling messages matching one of the peg counter definitions and an identifier for identifying the associated peg counter definition. The site collectors receive new peg counter definitions. In response to receiving the new peg counter definitions, the site collectors switch to the new peg counter definitions on-the-fly and generate peg counter instances based on the new peg counter definitions. Because peg counters can be updated and used on-the-fly, peg counter instance generation can be modified without taking the site collectors out of service. Such on-the-fly modification is important for peg counting applications to capture a complete set of network signaling message counts without missing messages due to down time caused by a peg counter change.

Bunch is related to a programmable call processing system that provides a standard call processing process performing call processing according to industry standard call models and having at least one customizable call logic program for implementing extended subscriber features on a telecommunications switching system.

As a preliminary matter, on page 2, the Official Action states, "Bunch discloses selective access to CDR (i.e. call detail record) so call logic program can alter them." Providing access for a user to modify existing CDRs has absolutely nothing to do with modifying peg counters and dynamically adjusting the generation of peg counter instances as claimed. For example, a call detail record is a record containing signaling messages or signaling message parameters relating to a single call. In contrast, a peg counter instance is a count of the number of messages that match the rules defined in a peg counter. Thus, the fact that Bunch discloses that a CDR can be modified by a user has nothing to do with modifying peg counter definitions as claimed.

Moreover, on page 4, the Official Action states, "Bunch fails to teach a method and system that switches to new peg counter definitions and generate a reply message based on the new peg counter definitions." Applicants respectfully submit that this passage in the Official Action fails to address the language of claim 17. In particular, the quoted language of claim 17 that this portion of the Official Action was intended to address is as follows:

> wherein, in response to receiving the new peg counter definitions, the site collectors are adapted to switch to the new peg counter definitions on-the-fly and to generate peg counter instances based on the new peg counter definitions.

The above-quoted passage from step (c) of claim 17 recites that new peg counter definitions are received by the site collectors and the site collectors switch to the new definitions on-the-fly. The site collectors begin generating new peg counter instances based on the new peg counter definitions. Method claim 1 includes similar language with regard to switching to the new peg counter definitions on-the-fly. The above-

quoted passage from page 4 of the Official Action relates to generation of a reply message and does not mention anything about peg counter definitions or switching to new peg counter definitions on-the-fly. Accordingly, for this reason alone, the rejection of the claims as unpatentable over Bunch in view of Lauer should be withdrawn.

Moreover, even assuming that the Official Action had correctly addressed the limitations of claim 17, Lauer fails to teach or suggest switching to new peg counter definitions on-the-fly or generating peg counter instances using the new peg counter definitions as claimed. Lauer is related to a signaling network management system (SNMS) that collects network topology, traffic, performance, and fault information, correlates the information and displays the information to system operators. The SNMS includes a display alarms component for providing the results of SNMS processing to an operator and accepting operator input for actions to be performed within SNMS. The Examiner relies in the Official Action on a GUI process described in Lauer that is associated with each operator. Each GUI process manages a display that is updated both upon initialization and when filter changes are requested. The filter defines the specific operator view and can be modified by an operator to define the view that his/her GUI process will display. As events are received, the operator's GUI display is updated. *See* col. 12, l. 4 to col. 13, l. 10 of Lauer.

Nowhere does Lauer disclose or suggest site collectors that are adapted to switch to the new peg counter definitions on-the-fly and to generate peg counter instances based on the new peg counter definitions, as defined in claim 17. On pages 4 and 5, the Official Action indicates that the dynamic updating of screens of a GUI display in Lauer teaches or suggests this feature. The updating of a display based on

new information, however, does not disclose or suggest switching to new peg counter definitions on-the-fly. The same definitions are applied for each event received.

The Examiner also contends that the filter updates in Lauer discloses this feature. For example, on page 4, the Official Action states, "More importantly, Lauer even discloses using a GUI display wherein the displays are updated both upon initialization and when filter changes are requested (columns 11 and 12)." The filter updates mentioned in Lauer, however, are not switched to on-the-fly, as in claim 1 or claim 17. Lauer discloses if the event is determined to be a filter change request, then "the GUI process registers with Process Events 402 so that the appropriate alarms records are transmitted" (col. 13, ll. 13-16). Therefore, the GUI process must register the changes before processing the new events. Accordingly, changes are not made on-the-fly. Moreover, even assuming that the filter changes in Lauer are made on-the-fly, the filters relate to alarm events, which have nothing to do with peg counters.

Because Bunch and Lauer fail to teach or suggest a method or a system where peg counter definitions are changed and used to create new peg counter instances on-the-fly, it is respectfully submitted that the rejection of claims 1 and 17 and their dependent claims should be withdrawn.

Regarding the rejections of claims 28-37 as unpatentable over Bunch in view of Lauer, Bunch and Lauer fail to teach a computer program product that includes instructions for performing steps including presenting the user with a computer based graphical template for defining a peg counter, receiving input from the user via the template regarding parameter values to be extracted from received signaling messages, receiving input from the user via the template regarding values to be compared with the

extracted parameter values, receiving input from the user via the template regarding equations for comparing the extracted parameter values to the values specified in step (c), and receiving input from the user via the template regarding logical operators for combining equations to form a definition for the peg counter. As stated above, neither Lauer nor Bunch discloses methods for updating peg counter definitions. The portions of Bunch relied upon in the Official Action regarding peg counter definition relate to CDR definition. The portions of Lauer relied upon in the Official Action regarding peg counter definition relate to display and alarm filter changes. Accordingly, for this reason alone, the rejection of claims 28-37 as unpatentable over Bunch in view of Lauer should be withdrawn.

Moreover, the Official Action fails to address the elements of claims 28-37, stating only that these claims are rejected for the same reasons as claims 1-16. The cited art, however, fails to disclose at least some of these features. For example, neither Lauer nor Bunch teaches or suggests "receiving input from the user via the template regarding equations for comparing the extracted parameter values to the values specified," as claimed in independent claim 28.

Moreover, neither Bunch, nor Lauer teaches or suggests "receiving input from the user via the template regarding logical operators for combining equations to form a definition for the peg counter," as claimed in claim 28.

Accordingly, it is respectfully submitted that computer product claim 28 is in condition for allowance. In addition, corresponding dependent claims 29-37 are also in condition for allowance for at least the same reasons.

Regarding the rejection of claim 22, claim 22 depends from claim 17. As stated above, Bunch and Lauer fail to teach dynamic peg counter updating as claimed in claim 17. Saari likewise lack such teaching or suggestion. Saari relates to a system that includes report request service blocks and counter service blocks that each monitor one or more counters. The counter service blocks read the counter values and send them to the report request service blocks in a message. Saari also does not disclose or suggest switching to new peg counter definitions on-the-fly. On page 6, the Official Action indicates that the right hand side of Figure 2 of Saari mentions peg counters. Applicants have reviewed Figure 2 and note that there is no mention in Figure 2 of peg counters. Accordingly, the rejection of claim of 22 as unpatentable over Bunch in view of Lauer and further in view of Saari should be withdrawn for this reason alone.

Moreover, even assuming for the sake of argument that Saari teaches peg counters, Saari fails to teach receiving new peg counter definitions and automatically switching to the new peg counter definitions on-the-fly generate new peg counter instances based on the peg counter definitions as claimed. With regard to that a new counter service block must be created together with proper counters to fulfill a new feature request. For example, Saari states:

> The feature management block creates a new counter service block together with proper counters connected to it, whereby the created new counter service block will carry out the request. (See column 6, lines 61-64 of Saari.)

From this passage, Saari indicates that a new counter service block is required to implement new counts. In contrast, the site collectors of the subject matter of claims 1 and 17 automatically switch and begin using new peg counter definitions on-the-fly. No new software is required. Accordingly, it is respectfully submitted that the rejection of

claim 22 as unpatentable over <u>Bunch</u> in view of <u>Lauer</u> and further in view of <u>Saari</u> should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

<u>If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.</u>

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.
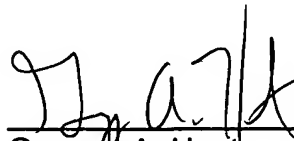
Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 7-1-05

By: _____
Gregory A. Hunt
Registration No. 41,085

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Customer No: 25297